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Attorneys for Plaintiff
ASHLEY WILSON

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

| | | |
|--|---|--------------------------------------|
| ASHLEY WILSON, as an individual and on |) | Case No.: C09-03630 SI |
| behalf of all others similarly situated, |) | |
| |) | STIPULATION AND [PROPOSED] |
| Plaintiff, |) | ORDER TO CONTINUE HEARING |
| |) | DATE FOR MOTION FOR |
| v. |) | PRELIMINARY APPROVAL OF CLASS |
| |) | SETTLEMENT |
| KIEWIT PACIFIC CO., a corporation; |) | |
| |) | |
| Defendant. |) | |
| |) | |

Pursuant to Civil Local Rules 7-12 and 16-2, it is hereby stipulated, by and between
ASHLEY WILSON ("Plaintiff") and KIEWIT PACIFIC CO. ("Defendant") (collectively the
"Parties"), through their respective undersigned counsel, as follows:

1 WHEREAS, on May 17, 2011, the Parties participated in a settlement conference with
2 the Honorable Judge James Larson;

3 WHEREAS, the Parties provisionally agreed on settlement terms for Plaintiff's
4 individual and class action claims at the settlement conference;

5 WHEREAS, on July 6, 2011, the Parties filed a Stipulation and [Proposed] Order to
6 Vacate Order Dismissing Case and Setting Hearing Date on Motion for Preliminary Approval,
7 and requested a hearing date on the Motion for Preliminary Approval of Class Action Settlement
8 ("Motion") on August 26, 2011, at 9:00 a.m.;

9 WHEREAS, the Court entered an Order Vacating the Order Dismissing the Case and
10 setting the hearing date on the Parties' Motion for August 26, 2011, at 9:00 a.m.;

11 WHEREAS, the Parties have met and conferred regarding the terms of the class action
12 settlement, and are in the process of gathering class data necessary for the negotiation;

13 WHEREAS, the Parties are in the process of drafting a long-form class action Settlement
14 Agreement;

15 WHEREAS, the Parties require additional time to review the class data, negotiate the
16 class settlement terms, and hone the long-form class action Settlement Agreement;

17 WHEREAS, the Parties have met and conferred and due to the schedules of counsel, the
18 Parties do not anticipate that they will be able to file the Motion until September 9, 2011.

19 IT IS HEREBY STIPULATED AND AGREED by and between Plaintiff and Defendant,
20 through their respective undersigned counsel, that the Motion for Preliminary Approval of Class
21 Action Settlement will be filed on or before September 9, 2011.

22 IT IS HEREBY STIPULATED AND AGREED by and between Plaintiff and Defendant,
23 through their respective undersigned counsel, that the hearing date on the Motion for Preliminary
24 Approval of Class Action Settlement be scheduled for October 14, 2011, or as soon thereafter as
25 the Court is available.

26 IT IS SO STIPULATED.

1 DATED: August 3, 2011

SEYFARTH SHAW LLP

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3 By: /s/
Francis J. Ortman III
Ari Hersher

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5 Attorneys for Defendant
KIEWIT PACIFIC CO.

6 DATED: August 3, 2011

LAW OFFICES OF PETER M. HART

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8 By: /s/
Peter M. Hart

9 Attorney for Plaintiff
10 ASHLEY WILSON
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[PROPOSED] ORDER

The Parties having so stipulated, and GOOD CAUSE APPEARING
THEREFORE, IT IS HEREBY ORDERED that:

1. The August 26, 2011 hearing date on the Motion for Preliminary Approval of Class Action Settlement is hereby vacated;
2. The hearing on the Motion for Preliminary Approval of Class Action Settlement is hereby set for October 14, 2011, or _____, 2011, at 9:00 a.m.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Date: 8/5/11



The Honorable Susan Illston
Judge of the United States District Court

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Attorneys for Plaintiff Ashley Wilson

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

ASHLEY WILSON, as individuals and on
behalf all of others similarly situated,
Plaintiffs,

vs.

KIEWIT PACIFIC CO., a corporation,
Defendant.

Case No.: 3:09-CV-03630 SI

**DECLARATION OF PETER M. HART IN
SUPPORT OF STIPULATION AND
[PROPOSED] ORDER TO CONTINUE
HEARING DATE FOR MOTION FOR
PRELIMINARY APPROVAL**

1 I, Peter M. Hart, hereby declare:

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3 1. I am an attorney at law duly admitted to practice before all courts in the State of
4 California and am a member of the law firm of the Law Offices of Peter M. Hart, attorneys of record
5 for plaintiff Ashley Wilson on behalf of herself and other similarly situated individuals (hereinafter
6 “Plaintiff”), in the above-entitled action. I was retained by Plaintiff and was originally sought out by
7 her and did not know her prior to his contacting my offices.

8 2. I have personal knowledge of the matters set forth herein, and if called upon as a
9 witness to testify thereto, I could and would competently do so.

10 3. On May 17, 2011, the Parties participated in a settlement conference with the
11 Honorable Judge James Larson.

12 4. After the settlement conference Judge Larson issued an order that the case had
13 settled.

14 5. On July 6, 2011, the Parties filed a Stipulation and [Proposed] Order to Vacate
15 Order Dismissing Case and Setting Hearing Date on Motion for Preliminary Approval, and requested a
16 hearing date on the Motion for Preliminary Approval of Class Action Settlement (“Motion”) on August
17 26, 2011, at 9:00 a.m.

18 6. The Court entered an Order Vacating the Order Dismissing the Case and setting
19 the hearing date on the Parties’ Motion for August 26, 2011, at 9:00 a.m.

20 7. The Parties have met and conferred regarding the terms of the class action
21 settlement, and are in the process of gathering class data necessary for the negotiation.

22 8. The Parties are in the process of drafting a long-form class action Settlement
23 Agreement.

24 9. The Parties require additional time to review the class data, negotiate the class
25 settlement terms, and hone the long-form class action Settlement Agreement.

26 10. The Parties have met and conferred and due to the schedules of counsel, the
27 Parties do not anticipate that they will be able to file the Motion until September 9, 2011.

28 11. The Parties met and conferred and agree, by and between Plaintiff and Defendant,

1 through their respective counsel, that the Motion for Preliminary Approval of Class Action Settlement
2 will be filed on or before September 9, 2011.

3 12. The Parties met and conferred and agree, by and between Plaintiff and
4 Defendant, through their respective counsel, that the hearing date on the Motion for Preliminary
5 Approval of Class Action Settlement be scheduled for October 14, 2011, or as soon thereafter as the
6 Court is available.

7 I declare under penalty of perjury and the laws of the State of California and the United
8 States of America that the foregoing is true and correct and that this declaration was executed on this
9 3rd day of August, 2011 at Los Angeles, California.

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11 /s/
12 PETER M. HART
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